

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

CARMELO FLORES SANTOS

Case No.: **04-12277 GAC**

Chapter 13

Debtor(s)

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. The Debtor(s) **failed to attend** the 341 Meeting scheduled in violation of Bankruptcy Rule 4002.
2. The Debtor(s) **failed to commence making payments** under the proposed plan in violation of what is required pursuant to 11 U.S.C. §1326(a)(1).
3. There is CAUSE for this case dismissal as the Debtor(s) is (are) in **material default** with respect to the terms of the confirmed plan (or proposed plan). As of **January 21, 2005** the default is equal to **\$445.00**, or 1 month(s). 11 U.S.C. §1307(c)(6)
4. There is CAUSE for this case dismissal as the above described default and/or situation constitutes an **unreasonable delay** prejudicial to creditors. 11 U.S.C. 1307(c)(1)

WHEREFORE the Trustee respectfully prays that this motion be granted and that an order dismissing this case be entered for **cause** pursuant to 11 U.S.C. §1307(c) for the reasons herein set forth.

30 DAYS NOTICE: In accordance with local **General Order No. 97-01**, the Debtor(s), all Creditors and Parties in Interest in this case, are hereby notified that unless an opposition to this motion to dismiss is submitted in writing within **30** days from the date appearing in the certificate of service, infra, the Court may grant this motion, or convert the case to a Chapter 7, without a hearing.

CERTIFICATE OF SERVICE: Pursuant to Bankruptcy Rule 2002(f) The Chapter 13 Trustee herewith certified that a copy of this motion has been served by regular US Mail on this **same date to:** the DEBTOR(s) and her/his/their attorney, to all Creditors and to all Parties in Interest, to their respective address of record as they appear in the attached Master Address List.

In San Juan, Puerto Rico this 26 day of January, 2005.

JOSE R. CARRION
CHAPTER 13 TRUSTEE
P.O. Box 9023884, Old San Juan Station,
San Juan, P.R. 00902-3884
Tel (787) 977-3535
FAX (787) 977-3550



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RECEIVED AND FILED
U.S. DISTRICT COURT
SAN JUAN, P.R.

By:

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

CARMELO FLORES SANTOS

Case No.: **04-12277 GAC**

Chapter 13

Debtor(s)

AFFIDAVIT FOR DEFAULT JUDGEMENT
PURSUANT TO SECTION 201(b)(4)
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003

I, ROLANDO MELENDEZ, clerk for the Chapter 13 & 12 Trustee's
Office, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of Defense Manpower
Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member
(s) of the Army, Navy or Air Forces of the United States of America; the National Guard; the Public
Health Service or the National Oceanic and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, January 21, 2005 .



Department of Defense Manpower Data Center

JAN-21-2005 05:01:20



Military Status Report
Pursuant to the Servicemen's Civil Relief Act of 2003

Last Name	First	Middle	Begin Date	Active Duty Status	Service/Agency
FLORES	CARMELO				
Currently not on Active Military Duty, based on the Social Security Number and last name provided.					

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the Defendant(s), per the Information provided, as to all branches of the Military.

A handwritten signature in black ink that reads "Robert J. Brandewie".

Robert J. Brandewie, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

If you have information that makes you feel that the DMDC response is not correct, please fax your response to 703-696-4156 or call 703-696-6762 and further research will be done. For personal privacy reasons, SSNs are not available on this printed results page. Requesters submitting a SSN only receive verification that the SSN they submitted is a match or non-match.

04-12277-G

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CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

JOSE R. CARRION PO BOX 9023884 JLD SAN JUAN STATION SAN JUAN, PR	00902	CELESTINO MATTA US POST OFFICE & COURTHOUSE 300 RECINTO SUR ST., SUITE 109 OLD SAN JUAN, PR	00901
ROBERTO FIGUEROA CARRASQUILL PO BOX 193677 SAN JUAN PR	00919	DEPARTMENT OF TREASURY PO BOX 9024140 SAN JUAN PR	00902
DEPARTMENT OF TREASURY PO BOX 9024140 SAN JUAN PR	00902	UNEMPLOYMENT INSURANCE PUERTO RICO DEPT OF LABOR 12 FLOOR 505 MUNDOZ RIVERA AVE SAN JUAN PR	00918
DAIMLER CHRYSLER PO BOX 195286 SAN JUAN PR	00919	UNIVERSAL INSURANCE COMPANY PO BOX 9023862 SAN JUAN PR	00902
ISLAND FINANCE PO BOX 195369 SAN JUAN PR	00919	PUERTO RICO TELEPHONE COMPANY PO BOX 360998 SAN JUAN, PR	00936
VERIZON WIRELESS PO BOX 70366 SAN JUAN PR	00936		
CARMELO FLORES SANTOS PMB 493 BOX 4952 CAGUAS PR	00726		

DATED: January 26, 2005

ROSA QUINONES